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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 PIPE FITTERS LOCAL UNION NO. 120)	No. 11-CV-01064-CW
PENSION FUND, On Behalf of Itself and All)	
13 Others Similarly Situated,)	STIPULATED INTERIM PROTECTIVE
)	ORDER
14 Plaintiff,)	
)	
15 vs.)	
)	Judge: The Hon. Claudia Wilken
16 BARCLAYS CAPITAL INC., THE)	Courtroom: 2, 4th Floor
GOLDMAN SACHS GROUP, INC.,)	
17 KOHLBERG KRAVIS ROBERTS & CO.)	
L.P., VESTAR CAPITAL PARTNERS INC.,)	
18 CENTERVIEW PARTNERS LLC, and)	
PETER J. MOSES,)	
)	
19 Defendants.)	
)	

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21
22 WHEREAS the parties desire to enter into this Stipulated Interim Protective Order (the
23 “Order”) governing the production and use of documents in this action until such time as the
24 parties negotiate and/or the Court enters a final protective order;

25 WHEREAS certain parties to this action have produced discovery in the action styled *In*
26 *re Del Monte Foods Co. Shareholders Litigation*, C.A. No. 6027-VCL, currently pending in the
27 Delaware Chancery Court (the “Delaware Litigation”), and those parties have agreed to produce
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1 in this action, within three business days of the entry of this Order, at Plaintiff's expense, the
2 Delaware Litigation discovery that they and non-party Del Monte Foods Co. produced, as well as
3 to use their reasonable best efforts to produce, at Plaintiff's expense, the Delaware Litigation
4 discovery produced by non-parties to this action to the extent they are able to do so;

5 WHEREAS the parties enter into this Order without waiving any rights with respect to
6 their positions as to the ultimate form and content of any final protective order to be entered into
7 in the future;

8
9 WHEREAS Plaintiff has agreed that in exchange for receipt of the Delaware Litigation
10 discovery produced as set forth herein, Plaintiff will not seek any additional discovery from the
11 parties to this action, or from any non-parties to this action who consent to production of their
12 discovery from the Delaware Litigation until after the Court rules on Defendants' Motions to
13 Dismiss;

14 IT IS HEREBY STIPULATED THAT:

15
16 1. Any Delaware Litigation discovery produced in this action shall be designated as
17 it was designated in the Delaware Litigation. Such designation shall be made by marking the
18 words "HIGHLY CONFIDENTIAL" or "CONFIDENTIAL" on each page of the document
19 designated as such, unless, as a practical matter, it is more efficient and significantly less
20 burdensome to affix such legend in some other manner.

21 2. "HIGHLY CONFIDENTIAL" and "CONFIDENTIAL" material may be
22 disclosed, summarized, described, characterized, or otherwise communicated or made available
23 in whole or in part by the party to whom such materials are produced or disclosed only to the
24 following persons, who shall be bound thereby by the terms of this Order: the parties' outside
25 counsel and their legal, clerical, or support staff.
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27
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1 3. This Order is being entered into solely for the purposes of the production of the
2 Delaware Litigation discovery, pending negotiations on a final protective order. All documents
3 produced in this litigation shall be governed by the final protective order once it is entered by the
4 Court. In the event the parties are unable to agree to the terms of a final protective order within a
5 reasonable time and/or disputes hereunder occur prior to the entry of such an order, any party
6 may seek the Court's intervention to enter an appropriate final protective order and/or resolve
7 any such disputes, and all confidentiality designations shall be honored pending entry of such
8 order and/or resolution.
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10 4. The terms of this Order are applicable to any Delaware Litigation discovery
11 produced by a non-party in this action.

12 5. Nothing in this Order abridges the right of any person to seek its modification by
13 the Court in the future.

14 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

15
16 DATED: June 14, 2011

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28 By /s/ Christopher M. Burke
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13 *Attorneys for Defendant Vestar Capital Partners Inc.*

14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

15 DATED: 6/20/2011

16 
17 The Hon. Claudia Wilken
18 United States District Judge
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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Christopher M. Burke, attest that concurrence in the filing of this document has been obtained from the signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 14th day of June, 2011 at San Diego, California.

DATED: June 14, 2011

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*An Attorney for Plaintiff Pipefitters Local
Union No. 120 Pension Fund*

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2011, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List, and I hereby certify that I caused the foregoing document or paper to be mailed via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 14, 2011.

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